

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Chapter 11

FTX TRADING, LTD., *et al.*,¹

Case No. 22-11068 (JTD)
(Jointly Administered)

Debtors.

SETH MELAMED,

Appellant,

v.

24-cv-01176 (CFC)

FTX TRADING, LTD. et al.,

Appellees.

**APPELLANT’S STATEMENT OF THE ISSUES ON APPEAL AND
DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 8009-1, Appellant Seth Melamed (“Melamed” or “Appellant”) respectfully submits the following: (I) statement of issues to be included on appeal from the *Order Confirming Second Amended Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates. Memorandum Opinion and Order* (the “Confirmation Order”) [D.I. 26404], entered by the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) on October 8, 2024; and (II) designation of items to be included in the record on appeal.

¹ The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification numbers are 3288 and 4063, respectively. Due to the large number of debtor entities in these chapter 11 cases (collectively, the “Debtors”), a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://cases.ra.kroll.com/FTX>

I. STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

Melamed submits the following statement of issues on appeal:

1. Did the Bankruptcy Court err in approving the exculpation provisions in Section 10.7 of the Plan and in Section 8 of the Plan Administration Agreement?
2. Did the Bankruptcy Court err in approving the Third-Party Release contained in Section 10.5 of the Plan?

II. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD

Melamed submits the following designation of items to be included in the record on appeal (including any exhibit, annex, or addendum thereto):

Docket Entries and Other Items			
	Description	Date Filed	Docket No.
1.	Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	12/16/2023	4861
2.	Disclosure Statement for Debtors' Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Affiliated Debtors and Debtors-in-Possession [D.I. 4862, filed on December 16, 2023]	12/16/2023	4862
3.	Order (I) Approving the Adequacy of the Disclosure Statement; (II) Approving Solicitation Packages; (III) Approving the Forms of Ballots; (IV) Establishing Voting, Solicitation and Tabulation Procedures; and (V) Establishing Notice and Objection Procedures for the Confirmation of the Plan	6/26/2024	19068
4.	(SOLICITATION VERSION) Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	6/27/2024	19139
5.	(SOLICITATION VERSION) Disclosure Statement for Debtors' Joint Chapter 11 Plan of Reorganization of FTX Trading	6/27/2024	19143

	Ltd. and Its Affiliated Debtors and Debtors-in-Possession		
6.	Notice of Filing of Blackline of the Disclosure Statement	6/27/2024	19147
7.	Notice of Hearing to Consider Confirmation of Debtors' Joint Chapter 11 Plan of Reorganization	6/27/2024	19150
8.	(REDACTED) Notice of Filing of Plan Supplement	8/2/2024	22163
9.	(SEALED) Notice of Filing of Plan Supplement	8/2/2024	22164
10.	First Amended Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	8/2/2024	22165
11.	Notice of Filing of Blackline of First Amended Plan	8/2/2024	22166
12.	Objection to Confirmation of Plan of Sunil Kavuri, Ahmed Abd El-Razek, Pat Rabbitte	8/16/2024	23162
13.	Response /Joinder in Objection of Retail Creditors and Reservation of Rights Filed by Seth Melamed	8/16/2024	23167
14.	Declaration Of Seth Melamed In Support Of Supplemental Opposition To First Amended Joint Chapter 11 Plan Of FTX Trading Ltd.	9/12/2024	24582
15.	Notice of Filing of First Amended Plan Supplement	9/23/2024	25649
16.	Notice of Filing of Blackline of Second Amended Plan	9/30/2024	26030
17.	Notice of Filing of Proposed Confirmation Order	9/30/2024	26034

18.	Declaration of Steven P. Coverick in Support of Confirmation of the Second Amended Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	9/30/2024	26041
19.	Declaration of Rt. Hon. Lord Neuberger of Abbotsbury	9/30/2024	26042
20.	Declaration of Edgar W. Mosley II in Support of Confirmation of the Second Amended Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	9/30/2024	26044
21.	Declaration of James Daloia of Kroll Restructuring Administration LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	9/30/2024	26045
22.	Notice of Debtors' Exhibit List and Intent to Offer Witness Testimony at the Hearing on October 7, 2024 Regarding Confirmation of the Second Amended Joint Chapter 11 Plan of Reorganization of FTX Trading Ltd. and Its Debtor Affiliates	9/30/2024	26061
23.	Notice of Filing of Second Amended Plan Supplement	10/3/2024	26226
24.	Transcript of October 7 th Hearing	10/8/2024	26412
25.	Notice of Appeal of Seth Melamed	10/21/2024	27000

Melamed expressly reserves the right to supplement this designation and the record on appeal with any relevant materials from the above-captioned chapter 11 bankruptcy case.

McCARTER & ENGLISH, LLP

/s/ Shannon D. Humiston

Shannon D. Humiston (No. 5740)

Renaissance Centre

405 North King Street, 8th Floor

Wilmington, DE 19801

Telephone: (302) 984-6300

Facsimile (302) 984-6399

shumiston@mccarter.com

- and -

David Adler, Esq. (admitted *pro hac vice*)

250 W. 55th Street, 13th Floor

New York, NY 10019

Telephone: (212) 609-6847

Facsimile: (212) 609-6921

dadler@mccarter.com

Counsel to Seth Melamed

Date: November 4, 2024